

REMARKS**Rejections Under 35 U.S.C. 103**

Claims 20, 22 through 31 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0186190 (Lokhandwala et al.) in view of U.S. Patent No. 6,547,101 (Sogaro). Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhandwala et al. in view of Sogaro, and further in view of U.S. Patent No. 4,969,415 (Meshberg). Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhandwala et al. in view of Sogaro, and further in view of U.S. Patent Application Publication 2004/0072123 (Simonton et al.). Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhandwala et al. in view of Sogaro, and further in view of U.S. Patent No. 6,264,619 (Ferguson).

With respect to independent claim 20 specifically, the Examiner indicated that

“Lokhandwala is silent regarding the delivery system having a cartridge comprising an actuator part and a material receptacle having at least two compartments for storing material components, the material receptacle being separable from the actuator part, and the plunger having at least two pistons for advancing the material components in the at least two compartments. However, Sogaro teaches a delivery system for controlled dispensing of a substance, the system comprising a cartridge that comprises of an actuator part and a material receptacle having at least two compartments for storing material components, the material receptacle being separable from the actuator part, and a plunger having at least two pistons for advancing the material components in the at least two compartments.”

Office Action at pages 3-4 (reference numbers omitted). The Examiner went on to indicate that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Lokhandwala’s delivery system as taught by Sogaro to allow the system to dispense a mixture of substance(s) and to allow the cartridges containing those substances to be changed depending on the substances desired. Applicants respectfully disagree for at least the following reasons.

A person of ordinary skill in the art would not have considered this combination of references, and even if the skilled person had combined the references, they would not have disclosed or suggested the device claimed in claim 20. Lokhandwala et al. is related to a dispenser for dental filling materials. The invention of Lokhandwala et al. is said to provide a simple and inexpensive dispenser (see par [0003]) for temporary filling materials (par [0009]). The person of ordinary skill, when pursuing those objectives, would not have been encouraged or motivated to make the dispenser more complex by providing multiple chambers for the material instead of one, because this would be in clear contradiction to the teaching of Lokhandwala et al. toward providing a simple and inexpensive dispenser. Moreover, there is no motivation or suggestion in Lokhandwala et al. to dispense multiple-component materials because from an economic perspective this adds cost and complexity, rather than simplicity and ease of operation. Therefore the skilled person would not have turned to prior art that teaches towards two- or multi-component dispensers or materials, such as Sogaro.

Even if one were to start with Sogaro, a combination with Lokhandwala et al. would not have been obvious, or even logical. The device of Sogaro is designed for two-component materials, using a straightforward plunger system. There is no reason for including a racheting system, which would make the device needlessly complex, contrary to the teaching of Sogaro.

Finally, even if the skilled person were to have combined Lokhandwala et al. and Sogaro in the manner suggested in the Office Action, the claimed invention would not result. The rationale provided in the Office Action does not explain how the plunger of Lokhandwala et al. could be combined with the two pistons of Sogaro. For example, in Lokhandwala et al. the plunger is assigned to the piston so that the use of two pistons would result in the presence of two plungers. However claim 20 does not require a plunger for each piston. Thus even with the combination of Lokhandwala et al. and Sogaro the skilled person would have to make further modifications to arrive at the invention of claim 20. However neither Lokhandwala et al. nor Sogaro provides the basis for a person of ordinary skill to work towards such modifications. Therefore the rejection of claim 20 as obvious in view of a combination of Lokhandwala et al.

and Sogara is based on impermissible hindsight reconstruction, and reconsideration of the rejection is respectfully requested.

The remaining claims all depend either directly or indirectly from claim 20, and are all patentable over the combination of Lokhandwala et al. in view of Sogara for at least the same reasons as claim 20. The further combination of Lokhandwala et al. and Sogara in view of various secondary references does not support the rejection of dependent claims 21, 32, and 34 at least because the base combination of references is not properly made and does not render claim 20 unpatentable, and the additional references do not cure the deficiencies in that combination.

IV. Conclusion

The matters raised in the Office Action are believed to have been addressed and resolved, and reconsideration and allowance of the present application is requested. If a telephonic conference with the Applicants' representative would be useful in resolving any remaining matters in the application, the Examiner is invited to contact the undersigned at 651-736-4050.

Respectfully submitted,

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